

January 27, 2023

The Honorable Shalanda Young
Director
Office of Management and Budget
725 17th St., NW
Washington DC 20503

Dear Director Young,

I write to urge the Biden Administration to expeditiously implement the recently enacted *No TikTok on Government Devices Act*. As you know, I originally introduced this bill in March 2020, and it was finally signed into law on December 29, 2022, as part of the *Consolidated Appropriations Act, 2023*.¹ This law requires the Office of Management and Budget (OMB) to develop standards for executive agencies to remove TikTok and any successor application from government devices within 60 days. Unfortunately, I have yet to see any signs of progress from your agency in developing these standards.

Government devices often carry sensitive or classified information related to national security. It is imperative that our information technology systems do not include Chinese malware or applications, such as TikTok. Removing TikTok from government devices is a critical first step to improving U.S. cybersecurity.

TikTok remains a serious threat to national security. For instance, the Chief Operating Officer of ByteDance (TikTok's parent company) testified in September 2022 that its China-based employees could access U.S. user data.² Similarly, on October 20, 2022, *Forbes* reported that a China-based ByteDance team planned to use the TikTok app to monitor American citizens' personal locations.³ *Reuters* also reported on December 22, 2022, that TikTok employees accessed user data from two American journalists.⁴ TikTok is a clear and present danger to U.S. national security.

Senior officials in the Biden Administration agree. Secretary Yellen has acknowledged the "legitimate national security concerns" posed by TikTok.⁵ FBI Director Wray has stated that he is "extremely concerned" about China's influence on U.S. users through TikTok.⁶

It is therefore imperative that the executive branch implement this new legislation. Quite frankly, the executive branch should have done this long ago, without the need for congressional action. I therefore urge you to expedite your agency's guidance and ensure total compliance within the statutory timeframe. To promote transparency and to increase the effectiveness of this new law, please provide the following information by February 5, 2023:

¹ <https://www.congress.gov/bill/117th-congress/house-bill/2617/actions?q=%7B%22search%22%3A%22Consolidated+Appropriations+Act%2C+2023%22%7D&r=7&s=1>

² <https://www.hawley.senate.gov/hawley-biden-admin-tiktok-must-fully-divest-bytedance-end-ccp-data-collection>

³ <https://www.forbes.com/sites/emilybaker-white/2022/10/20/tiktok-bytedance-surveillance-american-user-data/?sh=47771f6a6c2d>

⁴ <https://www.reuters.com/technology/bytedance-finds-employees-obtained-tiktok-user-data-two-us-journalists-2022-12-22/>

⁵ <https://www.foxbusiness.com/politics/tiktok-poses-legitimate-national-security-concerns-treasury-secretary-yellen>

⁶ <https://www.cnn.com/2022/11/15/fbi-is-extremely-concerned-about-chinas-influence-through-tiktok.html>

1. Please produce any guidance OMB has circulated pursuant to the *No TikTok on Government Devices Act*.
2. Please provide, in a classified setting if necessary, an update on any intelligence, recommendations, or concerns provided to OMB by the Director of National Intelligence, the Director of the Cybersecurity and Infrastructure Security Agency, or the Secretary of Defense that will inform the promulgation of the development of standards and guidelines required by the *No TikTok on Government Devices Act*. Please confirm how OMB has incorporated or addressed such items in any circulated guidance.
3. Please provide a detailed description of how OMB is measuring government agencies' compliance with this law.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator